IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

Crl.Rev.Pet.No. 4356 of 2006(D)

CC.456/2006 of JUDL.MAGISTRATE OF FIRST CLASS, SULTHANBATHERY
.....

REVN. PETITIONER: PETITIONER/ACCUSED:

P. VISWAMBARAN,
SUB INSPECTOR OF POLICE,
SULTHANBATHERY.

BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
DIRECTOR OF PUBLIC PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

Addl.R2 : SHIHABUDHEEN, PERUMBILAYIL HOUSE,
KUPPADI POST, SULTHAN BATHERI, WYANAD.

R1 BY PUBLIC PROSECUTOR SRI AMJAD ALI.
ADDL.R2 BY ADV. SRI.RAFFEEKH.K

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PRDER ON CRL.M.A.NO.12611/2006 IN CRL.R.P. 4356 OF 2006.

DISMISSED.

31-5-2007. SD/- K.R.UDAYABHANU, JUDGE.

//TRUE COPY//

K.R. UDAYABHANU, J.

CRL.R.P. NO. 4356 of 2006

Dated 3Ist May, 2007

ORDER

The revision petitioner who is the accused in C.C.No.456/2006 in the file of the Judicial First Class Magistrate-I, Sulthan Bathery has sought for setting aside the order of the court below in taking cognizance of the matter. The contention of the revision petitioner is that the Magistrate being an interested party ought not have taken cognizance of the matter. He has also produced a copy of the departmental enquiry conducted in the matter wherein he has been found to be not responsible for the loss of records.

2. I find that the fact involved is that the original complaint filed along with the documents including the cheque entrusted to the police constable under section 156(1) Cr.P.C was found to be missing. Hence, the court has taken cognizance of the matter under sections 204 and 217 IPC.

3. I find that there is no illegality in the order as contended by the counsel for the petitioner. The facts are such that there is no illegality in the Magistrate taking cognizance of

the matter as he has no personal interest. Further more, it was submitted that the then Magistrate is no longer presiding the above court. It is for the court to see that the trial is held in some other court if so required.

The Crl.R.P is dismissed accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P. 32 OF 1997

ORDER

31-5-2007.